



Atty. Docket No. A34

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Fisher *et al.*  
Serial No. : 09/515,363 Examiner : Qian, C.  
Filed : February 29, 2000 Group Art Unit: 1636  
For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-  
5 AND PROMOTER AND USES THEREOF

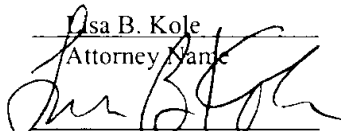
**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

September 22, 2003

Date of Deposit

Isa B. Kole  
Attorney Name

  
Signature

35,225

PTO Registration No.

September 22, 2003

Date of Signature

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In supplement to the Information Disclosure Statement filed on November 14, 2000, and pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request that the publications relating to the above-mentioned application

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listed herein and on the accompanying PTO Form 1449 be considered by the Examiner and made of record in the U.S. Patent and Trademark Office.

The publications contained herein, listed in reverse chronological order, are identified as numbers 16 through 99, to distinguish them from the 15 publications previously disclosed in the above-identified application. These documents were cited in the specification of the above-identified application, and in the International Search Report issued by the United States Patent Office for International Patent Application PCT/US01/06960, which claims priority to the instant application. A copy of this search report also is enclosed. The citations listed below are also listed in the accompanying PTO Form 1449.

16. Kang DC, Gopalkrishnan RV, Jiang H, Wu Q, Fisher PB (2000). Melanoma differentiation associated gene 5 (MDA-5): A novel interferon-inducible putative RNA helicase involved in cell survival. *Proceedings of the American Association for Cancer Research* 41:509-510 (Abstract #3250).
17. United States Patent No. 6,051,376 (Fisher *et al.*), issued April 18, 2000, entitled "Uses of mda-6."
18. United States Patent No. 6,025,127 (Sidransky), issued February 15, 2000, entitled "Nucleic acid mutation detection in histologic tissue."
19. United States Patent No. 5,912,236 (Xu *et al.*), issued June 15, 1999, entitled "Broad-spectrum tumor suppressor genes gene products and methods for tumor suppressor gene therapy."

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21. United States Patent No. 5,643,761 (Fisher *et al.*), issued July 1, 1997, entitled "Method for generating a subtracted cDNA library and uses of the generated library."
22. Wood V *et al.* (1996). Putative helicase C188.13c. SwissProt Acc. No. Q09884
23. International Patent Application No. PCT/US94/12160 by Fisher *et al.* entitled "Method for generating a subtracted cDNA library and uses of the generated library," published as WO95/11986 on May 4, 1995.
24. United States Patent No. 5,399,346 (Anderson *et al.*), issued March 21, 1995, entitled "Gene Therapy."
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27. de Wit H, Esselink MT, Halie MR, Vellenga E (1994). Differential regulation of M-CSF and IL-6 gene expression in monocytic cells. *Br. J. Haematol.* 86:259-264.

28. Jiang H, Lin J, Fisher PB (1994). A molecular definition of terminal differentiation in human melanoma cells. *Mol. Cell. Different.* 2:221-239.
29. Lagoo AS, Lagoo-Deenadayalan S, Lorenz HM, Byrne J, Barber WH, Hardy KJ (1994). IL-2, IL-4, and IFN-gamma gene expression versus secretion in superantigen-activated T cells. Distinct requirement for costimulatory signals through adhesion molecules. *J. Immunol.* 152:1641-1652.
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32. Wilson R *et al.* (1994). Endoribonuclease dcr-1. SwissProt Acc. No. P34529.
33. International Patent Application No. PCT/US93/04454 by Myers *et al.* entitled "Use of inhibitors of 3-hydroxy-3-methylglutaryl coenzyme A reductase as a modality in cancer therapy", published as WO 93/23034 on 25 November 1993.
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100. Waxman, S. Ed., Differentiation Therapy (Ares Serono Symposia Publications, Rome) Vol 10, 1995 p 1-531 (TABLE OF CONTENTS ONLY).

Applicant would provide further material relating to reference 100, for which a Table of Contents is provided, upon the request of the Examiner.

In addition, please note that there were typographical errors in the dates specified previously for references 6, 7 and 12. Corrected versions of these citations are provided in the PTO 1449 form submitted herewith.

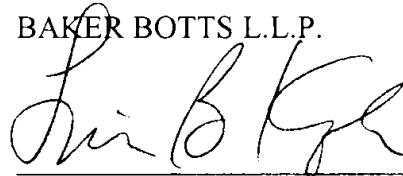
The submission of this Supplemental Information Disclosure Statement does not represent that a search has been made or that no better art exists, and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicants believe a fee of \$180.00 is required under 37 C.F.R. § 1.17(p) for submission of this Supplemental Information Disclosure Statement after mailing of the first Office Action but before the mailing date of any final action, and accordingly enclose a check for \$180.00. If any other fee is required in connection with this communication or any overpayment has been made, please charge any deficiency or credit any overpayment to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

A handwritten signature in cursive script, appearing to read "Lisa B. Kole", written over a horizontal line.

Lisa B. Kole

Patent Office Reg. No. 35,225

Attorneys for Applicants

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Enclosures

<b>Form PTO-1449 U.S. Department of Commerce</b> <b>(REV. 2-82) Patent and Trademark Office</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> <b>BY APPLICANT</b> (Use several sheets if necessary)  SEP 26 2003 U.S. PATENT & TRADEMARK OFFICE	Atty. Docket No. A34614 (070050.1690)	Serial No. 09/515,363
	Applicant Fisher <i>et al.</i>	
	Filing Date February 29, 2000	Group 1636
	Examiner Qian, C.	

## U.S. PATENT DOCUMENTS

*Exam. Init.	Document No.							Date	Name	Class	Subclass	Filing Date if Appro.
	17.	6	0	5	1	3	7	6	04/18/00	Fisher <i>et al.</i>		
	18.	6	0	2	5	1	2	7	02/15/00	Sidransky <i>et al.</i>		
	19.	5	9	1	2	2	3	6	06/15/99	Xu <i>et al.</i>		
	21.	5	6	4	3	7	6	1	07/01/97	Fisher <i>et al.</i>		
	24.	5	3	9	9	3	4	6	03/21/95	Anderson <i>et al.</i>		

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Subclass	Translation Yes No
23.	WO95/11986	05/04/95	WIPO			
33.	WO93/23034	11/25/93	WIPO			
53.	WO90/11092	10/04/90	WIPO			

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

16.	Kang DC, Gopalkrishnan RV, Jiang H, Wu Q, Fisher PB (2000). Melanoma differentiation associated gene 5 (MDA-5): A novel interferon-inducible putative RNA helicase involved in cell survival. Proceedings of the American Association for Cancer Research 41:509-510 (Abstract #3250).
20.	Bult CJ (1998). Putative ATP-dependent RNA helicase MJ1505. SwissProt Acc. No. Q58900.

NY02:458771.1

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office</b>	Atty. Docket No. A34614 (070050.1690)	Serial No. 09/515,363
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)	Applicant Fisher <i>et al.</i>	
	Filing Date February 29, 2000	Group 1636
	Examiner Qian, C.	

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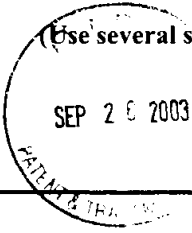
22.	Wood V <i>et al.</i> (1996). Putative helicase C188.13c. SwissProt Acc. No. Q09884.
25.	Algate PA, Steelman LS, Mayo MW, Miyajima A, McCubrey JA (1994). Regulation of the interleukin-3 (IL-3) receptor by IL-3 in the fetal liver-derived FL5.12 cell line. <i>Blood</i> 83:2459-2468.
26.	Cluitmans FH, Esendam BH, Landegent JE, Willemze R, Falkenburg JH (1994). IL-4 down-regulates IL-2, IL-3-, and GM-CSF-induced cytokine gene expression in peripheral blood monocytes. <i>Ann. Hematol.</i> 68:293-298.
27.	de Wit H, Esselink MT, Halie MR, Vellenga E (1994). Differential regulation of M-CSF and IL-6 gene expression in monocytic cells. <i>Br. J. Haematol.</i> 86:259-264.
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29.	Lagoo AS, Lagoo-Deenadayalan S, Lorenz HM, Byrne J, Barber WH, Hardy KJ (1994). IL-2, IL-4, and IFN-gamma gene expression versus secretion in superantigen-activated T cells. Distinct requirement for costimulatory signals through adhesion molecules. <i>J. Immunol.</i> 152:1641-1652.
30.	Pang G, Couch L, Batey R, Clancy R, Cripps A (1994). GM-CSF, IL-1 alpha, IL-1 beta, IL-6, IL-8, IL-10, ICAM-1 and VCAM-1 gene expression and cytokine production in human duodenal fibroblasts stimulated with lipopolysaccharide, IL-1 alpha and TNF-alpha. <i>Clin. Exp. Immunol.</i> 96:437-443.
31.	Shimane M, Tani K, Maruyama K, Takahashi S, Ozawa K, Asano S (1994). Molecular cloning and characterization of G-CSF induced gene cDNA. <i>Biochem. Biophys. Res. Commun.</i> 199:26-32.
32.	Wilson R <i>et al.</i> (1994). Endoribonuclease dcr-1. SwissProt Acc. No. P34529.
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Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office	Atty. Docket No. A34614 (070050.1690)	Serial No. 09/515,363
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	<b>RECEIVED</b>	
(Use several sheets if necessary)	Applicant Fisher <i>et al.</i>	Filing Date February 29, 2000
	Group 1636	OCT 02 2003
	Examiner Qian, C.	<b>TECH CENTER 1600/2900</b>

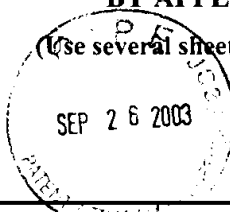
35.	Pizarro TT, Malinowska K, Kovacs EJ, Clancy J Jr, Robinson JA, Piccinini LA (1993). Induction of TNF alpha and TNF beta gene expression in rat cardiac transplants during allograft rejection. <i>Transplantation</i> 56:399-404.
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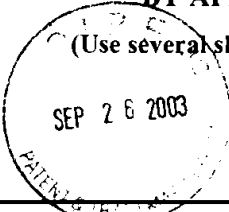
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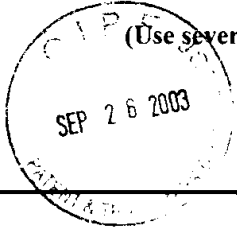
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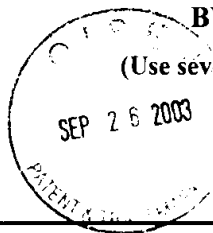
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